

Message Text

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60

ACTION ARA-10

INFO OCT-01 IO-11 ISO-00 DHA-02 EUR-12 ORM-02 PM-04 NSC-05

SP-02 SS-15 CIAE-00 DODE-00 INR-07 NSAE-00 PA-01

USIA-06 PRS-01 /079 W

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P 302100Z JAN 76

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC PRIORITY 6926

INFO USMISSION USUN NEW YORK PRIORITY

USMISSION GENEVA PRIORITY

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EO 11652: N/A

TAGS: CI, PINT, PINS, SHUM

SUBJECT: NEW GOC GUARANTEES OF RIGHTS OF DETAINEES

REF: (A) 75 SANTIAGO 3084, (B) SANTIAGO 0756

1. JUSTICE MINISTER SCHWEITZER IN TALK WITH REPORTERS JANUARY 29 GAVE INFORMATION ON NEW GOC DECREE REGULATING DETENTIONS THAT WAS NOT AVAILABLE WHEN REF B WAS SENT. PARTICULARLY, HE INDICATED THAT NEW LEGISLATION WAS NOT DECREE LAW AS EMBASSY HAD BELIEVED, BUT SIMPLE GOVERNMENTAL DECREE ("DECRETO SUPREMO" RATHER THAN "DECRETO LEY") REGULATING PROVISIONS OF DECREE LAW 1009 OF MAY 1975 (REF A). DISTINCTION IS MINOR BUT SHOULD BE MADE IF US DEL SPEAKS TO SUBJECT DURING UNHRC MEETING IN GENEVA.

2. SCHWEITZER REPORTEDLY SAID THAT PRESIDNET PINOCHET HAD PERSONALLY ORDERED DECREE BE DRAFTED IN ORDER TO QUIET CONCERNS ARISING FROM CHARGES THAT DECREE LAW 1009 WAS NOT BEING COMPLIED WITH (DL 1009 PROVIDED THAT FAMILIES BE INFORMED OF DETENTIONS WITHIN 48 HOURS, THAT DETAINEES' STATUS BE REGULARIZED WITHIN FIVE DAYS, AND THAT "ILLEGITIMATE PRESSURES" ARE PROHIBITED. PROVISIONS OF DL HAVE BEEN IGNORED IN MANY

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CASES.) SCHWEITZER SPOKE OF ONEROUS TASK PLACED ON HIM AND

SUPREME COURT PRESIDNET IN NEW DECREE, WHICH GIVES THEM
AUTHORITY TO INVESTIGATE IRREGULARITIES, BUT THIS PROVISION
IS OF GREATEST SIGNIFICANCE, SINCE "IT IS IMPORTANT TO GIVE
TO CITIZENRY MAXIMUM GUARANTEES AGAINST POSSIBLE INFRACTIONS"
OF LAW.
POPPER

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, POLITICAL PRISONERS, LEGISLATIVE BILLS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 JAN 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976SANTIA00803
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760036-0472
From: SANTIAGO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976014/aaaaadai.tel
Line Count: 67
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 SANTIAGO 3084, 76 SANTIAGO 756
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 12 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <12 MAY 2004 by ifshinsr>; APPROVED <17 MAY 2004 by morefirh>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: NEW GOC GUARANTEES OF RIGHTS OF DETAINEES
TAGS: PINT, PINS, SHUM, CI
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006